

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 62 be amended to read as follows:

- 1 Page 3, between lines 6 and 7, begin a new paragraph and insert:
- 2 "SECTION 2. IC 5-10-8-8, AS AMENDED BY P.L.233-1999,
- 3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2000]: Sec. 8. (a) This section applies only to the state and its
- 5 employees who are not covered by a plan established under section 6
- 6 of this chapter.
- 7 (b) After June 30, 1986, the state shall provide a group health
- 8 insurance plan to each retired employee:
- 9 (1) whose retirement date is:
 - 10 (A) after June 29, 1986, for a retired employee who was a
 - 11 member of the field examiners' retirement fund;
 - 12 (B) after May 31, 1986, for a retired employee who was a
 - 13 member of the Indiana state teachers' retirement fund; or
 - 14 (C) after June 30, 1986, for a retired employee not covered by
 - 15 clause (A) or (B);
 - 16 (2) who will have reached fifty-five (55) years of age on or before
 - 17 the employee's retirement date but who will not be eligible on that
 - 18 date for Medicare coverage as prescribed by 42 U.S.C. 1395 et
 - 19 seq.;
 - 20 (3) who will have completed twenty (20) years of creditable
 - 21 employment with a public employer on or before the employee's
 - 22 retirement date, ten (10) years of which shall have been
 - 23 completed immediately preceding the retirement; and
 - 24 (4) who will have completed at least fifteen (15) years of

participation in the retirement plan of which the employee is a member on or before the employee's retirement date.

(c) The state shall provide a group health insurance program to each retired employee:

- (1) who is a retired judge;
- (2) whose retirement date is after June 30, 1990;
- (3) who is at least sixty-two (62) years of age;
- (4) who is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.; and
- (5) who has at least eight (8) years of service credit as a participant in the Indiana judges' retirement fund, with at least eight (8) years of that service credit completed immediately preceding the judge's retirement.

(d) The state shall provide a group health insurance program to each retired employee:

- (1) who is a retired participant under the prosecuting attorneys retirement fund;
- (2) whose retirement date is after January 1, 1990;
- (3) who is at least sixty-two (62) years of age;
- (4) who is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.; and
- (5) who has at least ten (10) years of service credit as a participant in the prosecuting attorneys retirement fund, with at least ten (10) years of that service credit completed immediately preceding the participant's retirement.

(e) The state shall ~~make available~~ **provide** a group health insurance program to each former member of the general assembly or surviving spouse of each former member, if the former member:

- (1) is no longer a member of the general assembly;
- ~~(2) is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq. or, in the case of a surviving spouse, the surviving spouse is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395, et. seq.; and~~
- ~~(3) (2)~~ **(2)** has at least ~~ten (10)~~ **six (6)** years of service credit as a member in the general assembly.

A former member or surviving spouse of a former member who obtains insurance under this section is responsible for paying both the employer and the employee share of the cost of the coverage.

However, when the former member is at least fifty-five (55) years of age, the former member is responsible for paying only the employee share of the cost of the coverage.

(f) The group health insurance program required under subsections (b) through (e) must be equal to that offered active employees. The retired employee may participate in the group health insurance program if the retired employee pays an amount equal to the employer's and the employee's premium for the group health insurance for an active

employee and if the retired employee within ninety (90) days after the employee's retirement date files a written request for insurance coverage with the employer. **A former member of the general assembly who is at least fifty-five (55) years of age may participate in the group health insurance program if the former member pays the employee share of the cost of the coverage. A former member of the general assembly may file a written request for insurance coverage with the employer at any time.** However, the employer may elect to pay any part of the retired employee's premium.

(g) A retired employee's eligibility to continue insurance under this section ends when the employee becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq., or when the employer terminates the health insurance program. **The eligibility of a former member of the general assembly to continue insurance under this section ends when the employer terminates the health insurance program.** A retired employee who is eligible for insurance coverage under this section may elect to have the employee's spouse covered under the health insurance program at the time the employee retires. **A former member of the general assembly may, at any time, elect to have the former member's spouse covered under the health insurance program if the former member's spouse is covered under the health insurance program on the former member's retirement date.** If a retired employee's spouse pays the amount the retired employee would have been required to pay for coverage selected by the spouse, the spouse's subsequent eligibility to continue insurance under this section is not affected by the death of the retired employee. The surviving spouse's eligibility ends on the earliest of the following:

- (1) When the spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.
- (2) When the employer terminates the health insurance program.
- (3) Two (2) years after the date of the employee's death.
- (4) The date of the spouse's remarriage.

The eligibility of a surviving spouse of a former member of the general assembly to continue insurance under this section ends when the employer terminates the health insurance program or on the date of the spouse's remarriage.

(h) This subsection does not apply to an employee who is entitled to group insurance coverage under IC 20-6.1-6-1(c). An employee who is on leave without pay is entitled to participate for ninety (90) days in any health insurance program maintained by the employer for active employees if the employee pays an amount equal to the total of the employer's and the employee's premiums for the insurance.

(i) An employer may provide group health insurance for retired employees or their spouses not covered by this section and may provide group health insurance that contains provisions more favorable to retired employees and their spouses than required by this section. A

public employer may provide group health insurance to an employee who is on leave without pay for a longer period than required by subsection (h).

SECTION 3. IC 5-10-8-8.1, AS AMENDED BY P.L.233-1999, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 8.1. (a) This section applies only to the state and former legislators, instead of section 8 of this chapter.

(b) As used in this section, "legislator" means a member of the general assembly.

(c) After June 30, 1988, the state shall provide to each retired legislator:

(1) whose retirement date is after June 30, 1988;

(2) who is not participating in a group health insurance coverage plan:

(A) including Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.; but

(B) not including a group health insurance plan provided by the state or a health insurance plan provided under IC 27-8-10;

(3) who served as a legislator for at least ~~ten (10)~~ six (6) years; and

(4) who participated in a group health insurance plan provided by the state on the legislator's retirement date;

a group health insurance program that is equal to that offered active employees.

(d) A retired legislator who qualifies under subsection (c) may participate in the group health insurance program if the retired legislator ~~(1)~~ pays an amount equal to:

(1) if the retired legislator is less than fifty-five (55) years of age, the employer's and employee's premium for the group health insurance for an active employee; or

(2) if the retired legislator is at least fifty-five (55) years of age, the employee's premium for the group health insurance for an active employee. and

~~(2) within ninety (90) days after the legislator's retirement date files a written request for insurance coverage with the employer.~~

(e) A retired legislator's eligibility to continue insurance under this section ends when the ~~member becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq., or when the employer terminates the health insurance program.~~

(f) A retired legislator who is eligible for insurance coverage under this section may elect to have the legislator's spouse covered under the health insurance program ~~at the time the legislator retires. if the legislator's spouse is covered under the health insurance program on the legislator's retirement date.~~ If a retired legislator's spouse pays the amount the retired legislator would have been required to pay for coverage selected by the spouse, the spouse's subsequent eligibility to

continue insurance under this section is not affected by the death of the retired legislator. ~~and is not affected by the retired legislator's eligibility for Medicare.~~ The spouse's eligibility ends on the earliest of the following:

~~(1) When the spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.~~

~~(2) (1)~~ When the employer terminates the health insurance program.

~~(3) (2)~~ The date of the spouse's remarriage.

(g) The surviving spouse of a legislator who dies or has died in office may elect to participate in the group health insurance program if all of the following apply:

(1) The deceased legislator would have been eligible to participate in the group health insurance program under this section had the legislator retired on the day of the legislator's death.

(2) The surviving spouse files a written request for insurance coverage with the employer.

(3) The surviving spouse pays an amount equal to the ~~employer's~~ ~~and~~ employee's premium for the group health insurance for an active employee.

(4) The surviving spouse participated in the group health insurance program on the day of the legislator's death.

(h) The eligibility of the surviving spouse of a legislator to purchase group health insurance under subsection (g) ends on the earliest of the following:

(1) When the employer terminates the health insurance program.

(2) The date of the spouse's remarriage.

~~(3) When the spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.~~

SECTION 4. IC 5-10-8-8.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 8.2. (a) The state shall offer coverage under a plan that supplements Medicare (42 U.S.C. 1395 et seq.) to retired members of the general assembly who are covered under Medicare.**

(b) The state shall pay the same percentage of the premium for the coverage offered under subsection (a) that the state pays as the employer share of the premium for coverage of an active employee under the new traditional plan. A retired member of the general assembly who participates in coverage offered under subsection (a) shall pay the same percentage of the premium for the coverage that an active employee pays as the employee share of the premium for the new traditional plan."

Page 58, between lines 24 and 25, begin a new paragraph and insert: "SECTION 37. [EFFECTIVE JULY 1, 2000] **IC 5-10-8-8 and**

1 **IC 5-10-8-8.1, both as amended by this act, apply to a group health**
2 **insurance program that is issued, delivered, amended, or renewed**
3 **after June 30, 2000."**

4 Renumber all SECTIONS consecutively.
 (Reference is to ESB 62 as printed February 17, 2000.)

Representative Fry